

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JO ANN HOWARD AND ASSOCIATES,)
P.C., SPECIAL DEPUTY RECEIVER OF)
LINCOLN MEMORIAL LIFE INSURANCE)
COMPANY, MEMORIAL SERVICE LIFE)
INSURANCE COMPANY, AND NATIONAL)
PREARRANGED SERVICES, INC., ET AL.,)
)
Plaintiffs,) Case No. 09-CV-1252-ERW
)
vs.)
)
J. DOUGLAS CASSITY; RANDALL K.)
SUTTON; BRENT D. CASSITY; J. TYLER)
CASSITY; RHONDA L. CASSITY; ET AL.,)
)
Defendants.)

**STIPULATION OF DISMISSAL WITH PREJUDICE
AS TO DEFENDANT RICHARD MARKOW**

Plaintiffs and Defendant Richard Markow, under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving the dismissal with prejudice of Plaintiffs' claims against Mr. Markow, as contained in Plaintiffs' Third Amended Complaint.

1. Plaintiffs and Mr. Markow stipulate and agree to this dismissal with prejudice.
2. Pending matters in controversy between Plaintiffs and Mr. Markow have been mutually resolved. Each party is to bear its own costs and attorneys' fees.
3. Plaintiffs' dismissal with prejudice against Mr. Markow shall not affect Plaintiffs' claims contained in Plaintiffs' Third Amended Complaint against the remaining defendants.

Dated this 24rd day of January, 2014.

Respectfully submitted,

s/ Wendy B. Fisher

Daniel M. Reilly (Admitted *Pro Hac Vice*)
Larry S. Pozner, E.D. Missouri Bar No. 2792CO
Wendy B. Fisher (Admitted *Pro Hac Vice*)
Glenn E. Roper (Admitted *Pro Hac Vice*)
Clare S. Pennington (Admitted *Pro Hac Vice*)
Farrell A. Carfield (Admitted *Pro Hac Vice*)
Lauren G. Jaeckel (Admitted *Pro Hac Vice*)
Sean Connnelly (Admitted *Pro Hac Vice*)
Michael P. Robertson (Admitted *Pro Hac Vice*)
Michael T. Kotlarczyk (Admitted *Pro Hac Vice*)
Dru R. Nielsen (Admitted *Pro Hac Vice*)
Ashley D. Morgan (Admitted *Pro Hac Vice*)
Reilly Pozner LLP
1900 16th Street, Suite 1700
Denver, CO 80202
(303) 893-6100

and

Maurice B. Graham, Bar No. 3257
Morry S. Cole, Bar No. 77854
Gray, Ritter & Graham, P.C.
701 Market Street, Suite 800
St. Louis, MO 63101
(314) 241-5620

Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

and

CAPES, SOKOL, GOODMAN & SARACHAN, P.C.

s/ Gary R. Sarachan

Gary R. Sarachan, # MO25683
Drey A. Cooley, # MO58784
Amy L. Fehr, # MO60033
7701 Forsyth Blvd., 12 Floor
St. Louis, Missouri 63105
Telephone: (314) 721-7701
Facsimile: (314) 721-0554

ATTORNEYS FOR DEFENDANT
RICARD MARKOW

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2015, the foregoing **STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT RICHARD MARKOW** was filed electronically with the Clerk of the Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on January 24, 2015, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

Sharon Nekol Province, *Pro se*
Register # 36759-044
FMC Carswell
Federal Medical Center
P.O. Box 27137
Fort Worth, TX 76127

By: s/ Wendy B. Fisher
Wendy B. Fisher
(Admitted *Pro Hac Vice*)
Attorney for Plaintiffs